

HOUSE BILL REPORT

HB 3332

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to financial negotiations between civil service unions and institutions of higher education following October 1st.

Brief Description: Regarding financial negotiations between civil service unions and institutions of higher education following October 1st.

Sponsors: Representatives Conway, Green, Grant, Pettigrew, Sullivan, Fromhold, Priest, Simpson and Kenney.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Provides a process for the Legislature to act on initial collective bargaining agreements involving bargaining units for which representatives were certified during or after the legislative session.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Staff: Jill Reinmuth (786-7134).

Background:

The Personnel System Reform Act of 2002 (Act) requires the Governor to submit requests for funds necessary to implement collective bargaining agreements to the Legislature. The requests for funds must not be submitted to the Legislature unless two conditions are met.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

First, the requests must be submitted to the Director of the Office of Financial Management (Director) by October 1 prior to the legislative session at which the requests are to be considered. Second, the requests must be certified by the Director as being financially feasible for the state.

The Act specifies that the Legislature must accept or reject the request for funds necessary to implement the agreements as a whole. If a significant revenue shortfall occurs, as declared by either the Governor or the Legislature, modifications to the agreements must be negotiated. The terms of an expired collective bargaining agreement remain in effect until a new agreement is negotiated, not to exceed one year. After one year, the employer may unilaterally implement according to law.

Summary of Substitute Bill:

The Legislature may act upon a unit's initial collective bargaining agreement if: (1) the unit's representative was certified during or after the legislative session; and (2) the agreement is submitted to the Office of Financial Management and the legislative budget committees prior to the Legislature's final action on the budget or the supplemental budget.

Substitute Bill Compared to Original Bill:

Language providing a process to request funds when the parties do not reach agreement by October 1 is stricken.

Appropriation: None.

Fiscal Note: Requested on February 3, 2008.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Our union has negotiated several master agreements under the Personnel System Reform Act (Act). This bill corrects a few things in the Act.

It gives the parties a safety valve if they are in mediation or fact-finding. It also deals with bargaining units that are certified during the interim and for which there is no master agreement.

(With concerns) There are a number of specific concerns. First, there is a need for a concrete deadline so the Governor and the Legislature can make budget and policy decisions. The October 1 deadline has worked well during the last two bargaining cycles. The parties have successfully met those deadlines. Second, there is an awareness of the need to deal with late-certified bargaining representatives.

There have been two rounds of successful negotiations. The October 1 deadline is valuable to both sides. There is a willingness to look at making some changes for new bargaining units.

There is a technical concern about the language on page 2, line 35. Instead of mediation or fact-finding, it should be mediation and fact-finding. Otherwise, parties could request mediation just before the deadline and the Public Employment Relations Commission would be caught unaware of workload demands.

(Opposed) None.

Persons Testifying: (In support) Leslie Liddle, Public School Employees of Washington.

(With concerns) Diane Leigh, Office of Financial Management Labor Relations Office; Lou Pisano, University of Washington Council of Presidents; and Ken Latsch, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying: None.